

ZB# 01-35

Mitchell Kolpan

25-4-16

#01-35. Kolpas, Mitchell

Area 25-4-16.

Leulin.

July 9, 2001.

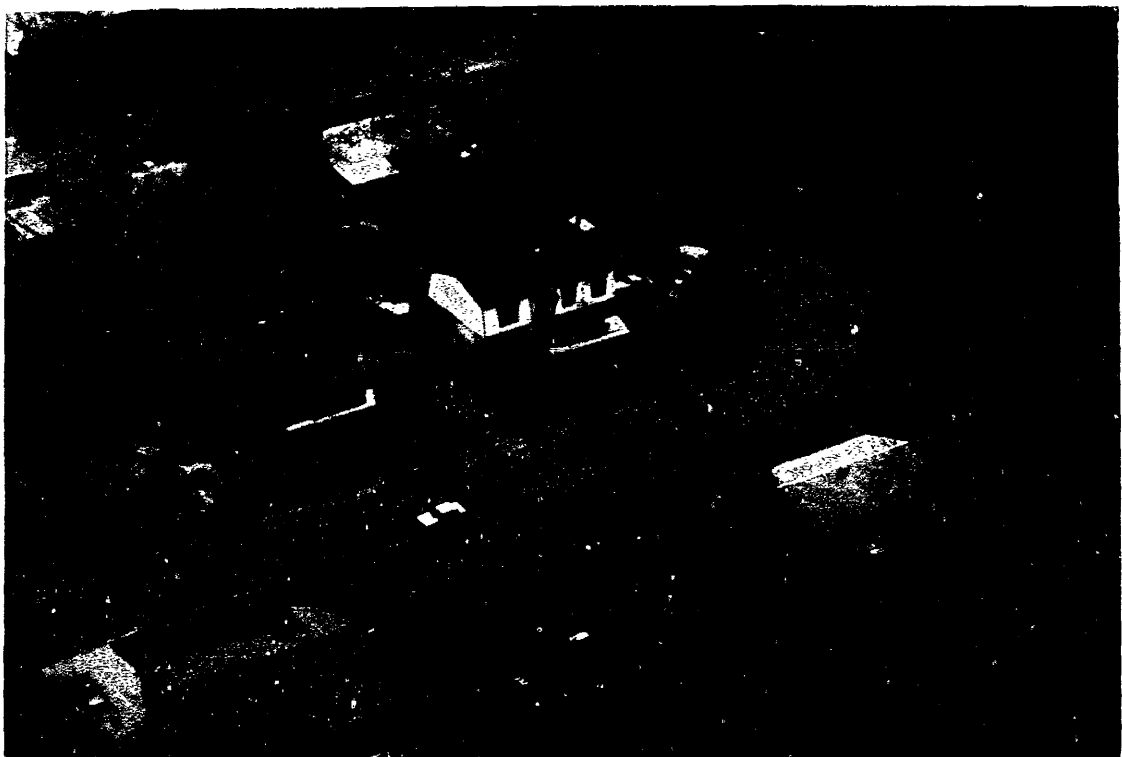
Public Hearing:

Sept. 10, 2001.

Approved

\$189.50
Refund





dark
dissolved
p-

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Kolpan, Mitch

FILE# 01-35.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 7/23/01-6 \$ 27.00

2ND PRELIMINARY- PER PAGE \$

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE 9/10/01-3 \$ 13.50

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 40.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 7/23/01 \$ 35.00

2ND PRELIM. \$

3RD PRELIM. \$

PUBLIC HEARING. 9/10/01 \$ 35.00

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 110.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT. \$ (189.50)

*paid 8/14/01
ck # 1244.
ck # 1243.*

Date 9/19/01,

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Mitchell Karpman DR.

128 Glendale Drive, New Windsor, N.Y. 12553.

[illegible]

MITCHELL KOLPAN
128 GLENDALE DR
NEW WINDSOR, NY 12553

1243

1-108/210

DATE

8/14/01

PAY TO THE
ORDER OF

TOWN OF NEW WINDSOR

\$300-

Three Hundred

DOLLARS

Security features
included
Details on back

HSBC



HSBC Bank USA Vails Gate, NY 12584

FOR

VANANCE ZBA #01-35

Mitchell Kolpan

MP

⑆021001088⑆078781289⑆ 1243

MITCHELL KOLPAN
128 GLENDALE DR
NEW WINDSOR, NY 12553

1244

DATE

8/14/01

1-108/210

PAY TO THE
ORDER OF

Town of New Windsor

\$ 50—

FIFTY—

DOLLARS  Security features
included.
Details on back

HSBC 

HSBC Bank USA Vails Gate, NY 12584

FOR

VARIANCE #01-35

Mitchell Kolpan

⑆021001088⑆078781289⑆ 1244

In the Matter of the Application of

MITCHELL KOLPAN

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#01-35.

WHEREAS, MITCHELL KOLPAN, residing at 128 Glendale Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for 14 ft. front yard variance for 6 ft. 6 in. stockade fence in front yard, 12 ft. 9 in. side yard and 3 ft. 10 in. rear yard variances for existing above-ground pool, and variation of Section 48-14C(1)(d) of the Supplemental Yard Regulations to allow a 6 ft. 6 in. fence to be constructed in front of the principal residence, a corner lot, at the above location in an R-4 zone; and

WHEREAS, a public hearing was held on the 10th day of September, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The property is located on a corner road, being the intersection of a public roadway.

- (c) The fence has been existing on the property for some time as well an existing deck.
- (d) During the time of the deck and pool have existed, there have been no complaints neither formal nor informal.
- (e) The property is located close to its neighboring property.
- (f) The variances would not be necessary if the property was located, as it appears to be, on one roadway.
- (g) The proposed additional deck will enhance the safety of the building on the premises by unifying the existing decks.
- (h) There was a deck in the proposed location previously which has been removed.
- (i) None of the items are constructed or will be constructed on the top of any water or sewer easement or well or septic system.
- (j) None of the structures will cause any adverse effects on drainage or water flow.
- (k) All of the structures both existing or proposed are consistent with similar improvements in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

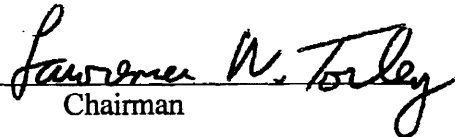
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for variation of Section 48-14C(1)(d) of the Supplemental Yard Regulations to allow an existing 6 ft. 6 in. fence to project closer to road than principal residence, on a corner lot, and grant a request for a 14 ft. front yard variance for the fence, 12 ft. 9 in. side yard and 3 ft. 10 in. rear yard variance for an existing above-ground pool, at the above residence, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: December 17, 2001.


Chairman

Please publish on or before 8/17/01. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 35

Request of Mitchell Kolfan.

for a VARIANCE of the Zoning Local Law to Permit:

existing above-ground pool w/ less than the allowable side & rear yards;
existing 6'6" stockade fence w/ insufficient front yard & proposed pool
deck w/ insufficient side & rear yard;
being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Cols. E, F & G

for property situated as follows:

128 Glendale Drive, New Windsor, N.Y.

known and designated as tax map Section 25, Blk. 4 Lot 16.

PUBLIC HEARING will take place on the 10th day of Sept., 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 7/9/01

APPLICANT: Mitchell Kolpan
128 Glendale Drive
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 7/9/01

FOR : Mitchell Kolpan

LOCATED AT: 128 Glendale Drive

ZONE: R-4 Sec/ Blk/ Lot: 25-4-16

DESCRIPTION OF EXISTING SITE: Corner Lot. Pool deck attached to house deck.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-12 Bulk use table R-4 zone, corner lot. Proposed pool deck attached to the house deck requires the pool to be 15ft from the side yard & 40ft from the rear yard. Existing pool is 6ft2in from the rear yard and 1ft4in from the side yard.

(1)
COPY
Pool deck

BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: Pool Deck

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 15ft

1ft4in

13ft8in

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40ft

6ft2in

33ft10in

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUL 03 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2001-691

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Mitchell Kocpan

Address 128 Glenora Dr Phone # 5698140

Mailing Address 11 Fax #

Name of Architect Carpenter's Disciple

Address 43 Grove St Beacon NY Phone 8317577

Name of Contractor Bill

Address 11 Phone 11

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the N side of Glendale
and 60 feet from the intersection of Birchwood
(N, S, E or W)

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 25 Block 4 Lot 16

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? yes

deck

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

PAID

Cash 50-

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Notker Raf
(Signature of Applicant)

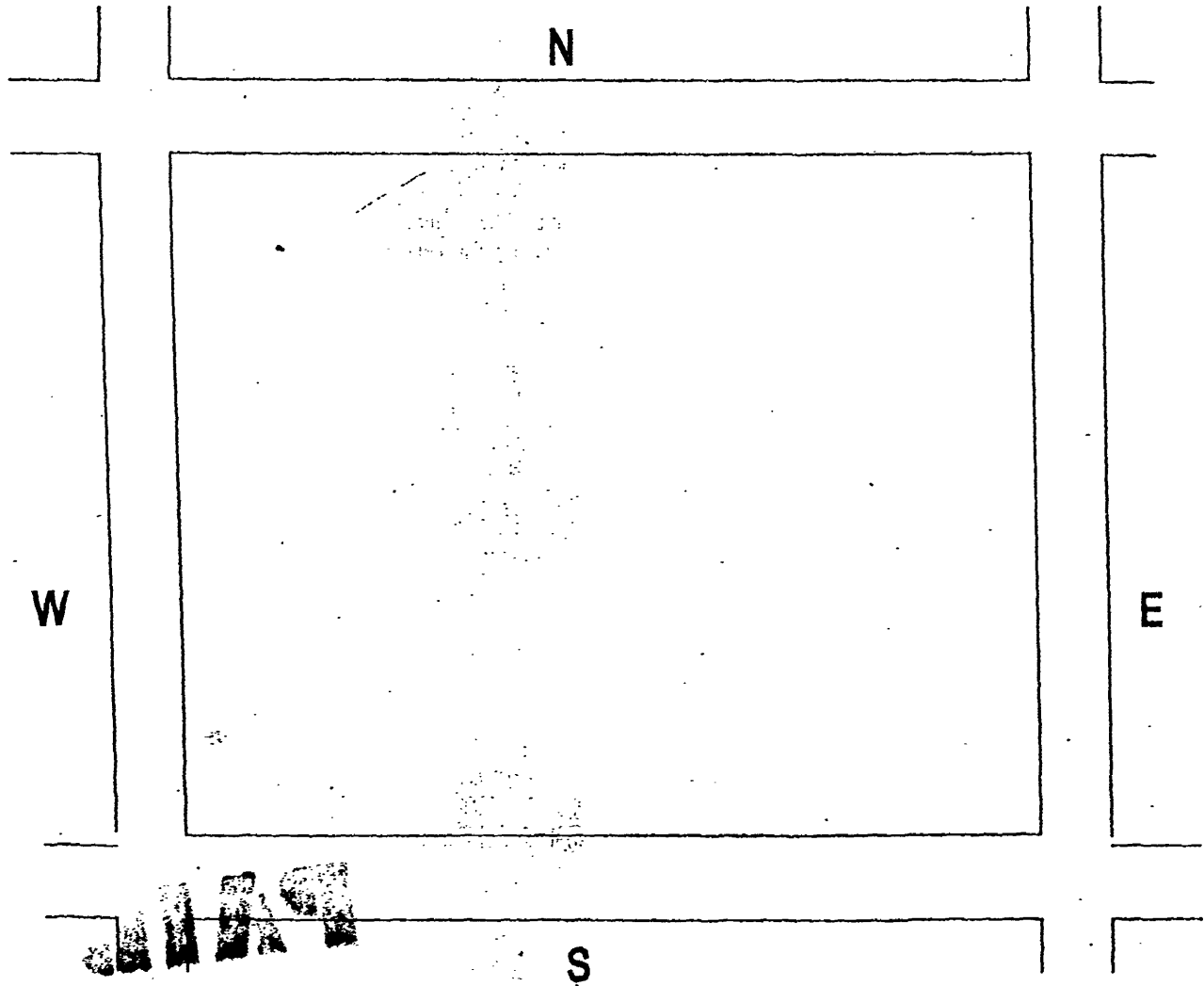
128 Glenlake Dr
(Address of Applicant)

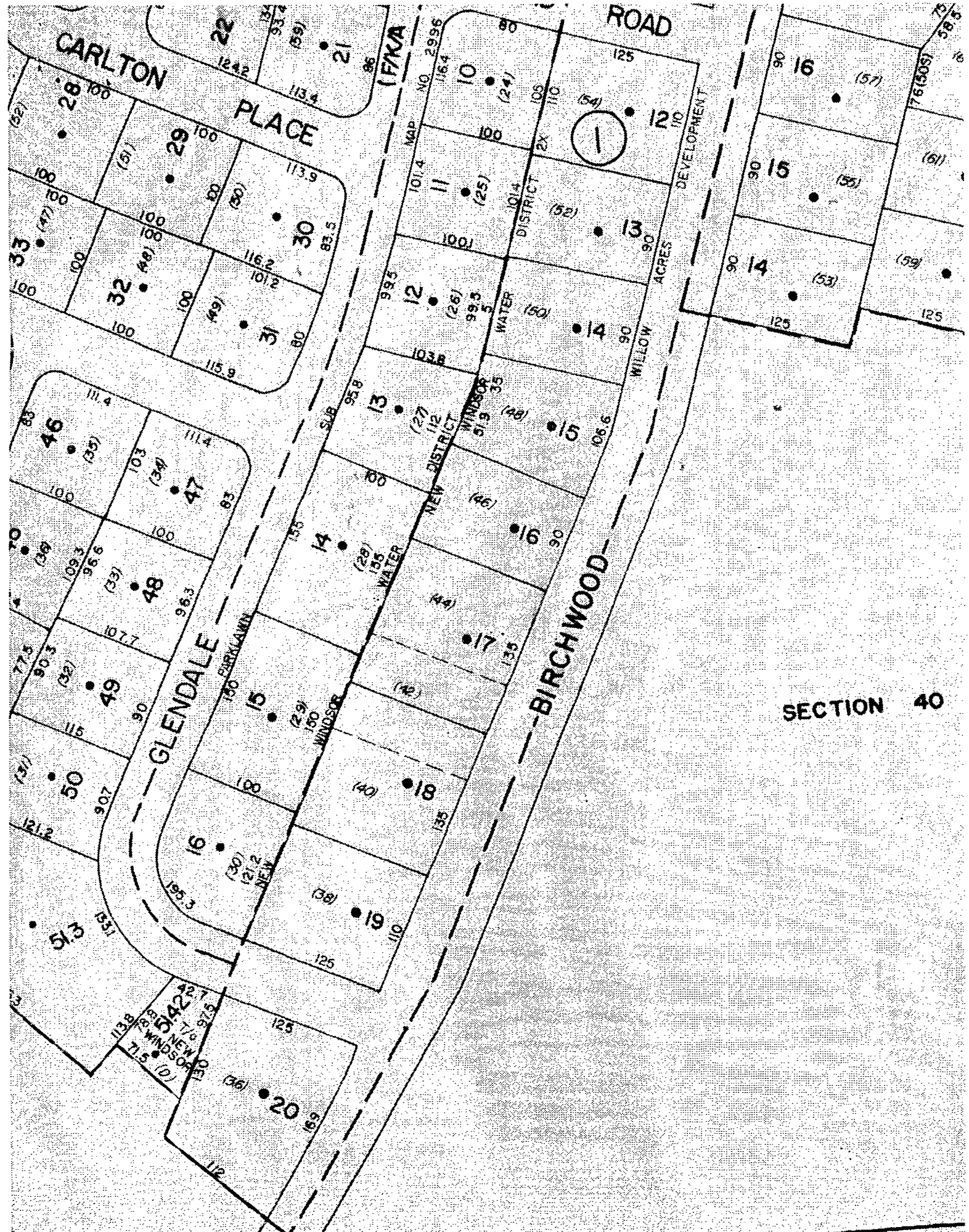
Notker Raf
(Owner's Signature)

128 Glenlake Dr
(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





SECTION 40

Variance
#01.35

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#774-2001

08/14/2001

Kolpan, Mitchell

Received \$ 50.00 for Zoning Board Fees on 08/14/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 6/22/01

APPLICANT: Mitchell Kolpan
128 Glendale Drive
New Windsor, NY 12553

3 COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/14/01

FOR : Stockade fence

LOCATED AT: 128 Glendale Drive

ZONE: R-4 Sec/ Blk/ Lot: 25-4-16

DESCRIPTION OF EXISTING SITE: 6ft6in Stockade fence in front yard

existing

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-14C,1(d)

1. 6ft to 6ft6in stockade fence, located in front yard on corner lot. Fences with a height in excess of 6ft shall conform to the requirements set forth herein for buildings. R-4 zone, 35ft front yard required.

Louis J. Kyheer
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

V
VARIANCE
REQUEST:

ZONE: R-4 USE: 6ft6in Fence

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD: 35ft

21ft

14ft

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE. W/ ATTACHED MAP

BUILDING PERMIT

The Town of New Windsor Building Department, County of Orange, State of New York

hereby issues permit for project as described herein:

Permit Number:

PA2001-0588

Tax Parcel ID:

25-4-16

Issue Date: **June 20, 2001**

Permit Issued To: **Owner**

Permit Fee: **\$0.00**

Permit Application Reference **PA2001-0588**

Type Of Permit: **RESIDENTIAL FENCE**

Street Address of Property: **128 GLENDALE DR**

Property Owner's Name: **KOLPAN MITCHELL**

Property Owner's Address: **128 GLENDALE DR
NEW WINDSOR NY 12553-**

Occupant's Name:

Occupancy Classification: **A1**

Description of Work: **EXISTING STOCKADE FENCE**

I am familiar with the Zoning/Building Ordinance(s) and the New York State Uniform Fire Prevention and Building Code requirements related to this permit and do hereby agree to abide by them. The information stated above is correct and accurate.

Signature of Applicant

A permit under which no work has commenced with six (6) months after issuance, shall expire by limitation. Furthermore, a permit that no Certificate of Occupancy or Certificate of Compliance has been issued within eighteen (18) months after issuance shall expire by limitation. Under either circumstance a new building permit shall be secured before work can begin or be completed.

It is the responsibility of the Owner/Occupant and/or Contractor to comply with all applicable ordinances. Notification requests for inspection must be made at least 24 hours in advance to the number shown below. Voice mail requests for inspection will not be scheduled. YOU MUST HAVE YOUR BUILDING PERMIT NUMBER AVAILABLE when calling for any inspections or inquiries

You must call for the following phases

C.O. OR C.C.

BUILDING DEP 845-563-4618

6/22/01 NEEDS ZBA. VARIANCE
6' FENCE LOCATED BETWEEN
HOUSE + ROAD.

Signature of Building Inspector

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

JUN 14 2001

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: 2001-588

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Mitchell KOLPAN

Address 128 Glenvale Drive Phone # 5698140

Mailing Address 128 Glenvale Drive Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the EAST side of Glendale Dr
(N, S, E or W)
and 60 feet from the intersection of Birchwood Dr

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N ✓

3. Tax Map Description: Section 25 Block 4 Lot 16

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? Yes

existing
stockade fence

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

Date 9/12/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/10/01		Zoning Board Mtg	75.00	
		Misc. -		
		contin - 2		
		Sisters of the Presentation - 4		
		Harris - 4		
		Corbett - 3		
		Hughes - 3		
		Mans - 19		
		Kelzan - 3		
		Singh - 6		
		45	202.50	
			277.50	

KOLPAN, MITCH

MR. TORLEY: Request for 14 ft. front yard variance for 6 ft. 6 in. stockade fence in front yard, 12 ft. 9 in. side yard and 3 ft. 10 in. rear yard variances for existing above-ground pool at 128 Glendale Drive in an R-4 zone.

Mr. Mitch Kolpan appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the room to wishes to speak on this one?

MS. CORSETTI: We sent out 75 addressed envelopes with the, containing the public hearing notice.

MR. KANE: Tell us again what you want to do.

MR. KOLPAN: I have an existing fence that's been there for ten years. I have a pool that's been there for many, many years. I'm close to my neighbor's property line. So I just want to get variances for the pool and the fence and I do want to put a new deck coming from my original deck that I have on the second floor coming out of the sliding glass door, I want to put a deck flush up to the pool.

MR. TORLEY: Mike, since he's on a corner lot, the reason he's here for the 14 foot front yard variance is because it's a corner lot, we consider it 20 front yard in New Windsor?

MR. BABCOCK: That's correct.

MR. KANE: And that would also be the case with the 6 foot six inch fence because it's considered a front yard?

MR. BABCOCK: That's correct.

MR. KANE: Six foot six inch fence you use as a safety item because of the pool in your back yard?

MR. KOLPAN: Yes, that's correct.

MR. MC DONALD: Never had any complaints on this?

MR. KOLPAN: No, not at all.

MR. TORLEY: It would be impractical financially to move the pool to some position where it meets the code?

MR. KOLPAN: Yes, that's correct.

MR. TORLEY: And the deck request you're putting in you're enhancing the safety of your building by unifying the decks?

MR. KOLPAN: That's correct, that's most definitely. I had a deck there once before and I took it down and I want to put it back up.

MR. REIS: These fences, they don't impact the sight distance?

MR. KOLPAN: No, that's why I took the aerial photos, you can see for yourself not at all.

MR. KRIEGER: They're not built over the top of any sewer or water easement?

MR. KOLPAN: No.

MR. KRIEGER: Septic system or water?

MR. KOLPAN: No, not a thing.

MR. TORLEY: So now this structure does not cause any changes or adverse affects on drainage or water flow?

MR. KOLPAN: None whatsoever.

MR. TORLEY: Sewer or power easements?

MR. KOLPAN: No.

MR. KANE: Deck and pools are consistent with other decks and pools in the neighborhood?

MR. KOLPAN: Absolutely, yes.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move we approve the requested variances by Mitch Kolpan for 128 Glendale Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

Mitchell Kolpan

AFFIDAVIT OF
SERVICE
BY MAIL

01-35

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 14th day of August, 20 01, I compared the 75
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

August 13, 2001

175

Mitchell Kolpan
128 Glendale Drive
New Windsor, NY 12553

Re: 25-4-16

Dear Mr. Kolpan,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

25-4-16

pg 1

25-1-14 ✓
Patricia & Edward Callahan
50 Birchwood Drive
New Windsor, NY 12553

25-4-14 ✓
Arlene & Joseph Mathews
124 Glendale Drive
New Windsor, NY 12553

25-5-42 ✓
Orsen R. Lewis
524 Balmoral Circle
New Windsor, NY 12553

25-1-15 ✓
Ruth & Frank Iessi
48 Birchwood Drive
New Windsor, NY 12553

25-4-15 ✓
Donna & Richard Hamel
126 Glendale Drive
New Windsor, NY 12553

25-5-43 ; 25-5-51.2 ✓
Victor Valle
526 Balmoral Circle
New Windsor, NY 12553

25-1-16 ✓
Clifton Parker
46 Birchwood Drive
New Windsor, NY 12553

25-5-28 ✓
Eleanor & John Lech
407 Carlton Circle
New Windsor, NY 12553

25-5-44 ✓
Karen & Darren Bullock
528 Balmoral Circle
New Windsor, NY 12553

25-1-17 ✓
Charlene Romaine
44 Birchwood Drive
New Windsor, NY 12553

25-5-29 ✓
Sandra & Richard Sollas
405 Carlton Circle
New Windsor, NY 12553

25-5-45 ✓
Angela & Byron Thomas
530 Balmoral Circle
New Windsor, NY 12553

25-1-18 ✓
Catherine & Edward Brodow
40 Birchwood Drive
New Windsor, NY 12553

25-5-30 ✓
Manuel Chambers
403 Carlton Circle
New Windsor, NY 12553

25-5-46 ✓
Elizabeth Shewring &
Louis Haines
532 Balmoral Circle
New Windsor, NY 12553

25-1-19 ✓
Lilliann & Dana Putnam
38 Birchwood Drive
New Windsor, NY 12553

25-5-31 ✓
Carol & Anthony Elias
502 Balmoral Circle
New Windsor, NY 12553

25-5-47 ✓
Jo Ellen & Arnold Sabino
501 Balmoral Circle
New Windsor, NY 12553

25-1-20 ✓
Margery & Orville Orts
36 Birchwood Drive
New Windsor, NY 12553

25-5-32 ✓
Randee & John O'Connor
504 Balmoral Circle
New Windsor, NY 12553

25-5-48 ✓
Carmen & Jose Aldebot
125 Glendale Drive
New Windsor, NY 12553

25-4-11 ✓
Diana & Frank Puccio
118 Glendale Drive
New Windsor, NY 12553

25-5-33 ✓
Sergio Valentin
506 Balmoral Circle
New Windsor, NY 12553

25-5-49 ✓
Anastasia Howard &
Jeffrey Stringer
127 Glendale Drive
New Windsor, NY 12553

25-4-12 ✓
Estelle & Howard Brown
120 Glendale Drive
New Windsor, NY 12553

25-5-34 ✓
Ann Marie Connolly
508 Balmoral Circle
New Windsor, NY 12553

25-5-50 ✓
Kimberly & George Ciaschi
129 Glendale Drive
New Windsor, NY 12553

25-4-13 ✓
Katherine & Stephen Costello
122 Glendale Drive
New Windsor, NY 12553

25-5-41.1 ✓
Leda & Emil Sarich
522 Balmoral Circle
New Windsor, NY 12553

25-5-51.12; 39-1-19 ✓
Lillian & Harold Toffler
81 Harth Drive
New Windsor, NY 12553

25-5-51.3 ✓
Kimberly & George Ciaschi
129 Glendale Drive
New Windsor, NY 12553

39-1-22 ✓
Rose & John Bambrick
27 Roe Ave
Cornwall-on-Hudson, NY 12520

39-5-15 ✓
Mary & Benedict Faleni
29 Birchwood Drive
New Windsor, NY 12553

25-5-51.42 ✓
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

39-1-23.1 ✓
Bernice & Herbert Gordon
89 Harth Drive
New Windsor, NY 12553

40-1-1 ✓
Robert T. McKnight
51 Birchwood Drive
New Windsor, NY 12553

25-6-1 ✓
Patricia & Dennis Soricelli
511 Balmoral Circle
New Windsor, NY 12553

39-1-24 ✓
Susan & Mark Schotsch
34 Birchwood Drive
New Windsor, NY 12553

40-1-4 ✓
Alberta & John Ponessa
53 Hudson Drive
New Windsor, NY 12553

25-6-2 ✓
Ellen, Paul & Robert Doerr
507 Balmoral Circle
New Windsor, NY 12553

39-3-14 ✓
Sharon & Brian Burke
26 Cresthaven Drive
New Windsor, NY 12553

40-1-5 ✓
Joanne & Wilson Smith
51 Hudson Drive
New Windsor, NY 12553

25-6-3 ✓
Linda & Frank Soricelli
525 Balmoral Circle
New Windsor, NY 12553

39-3-15 ✓
Lisa & Anthony Nester
28 Cresthaven Drive
New Windsor, NY 12553

40-1-6 ✓
Sally Scheiner
C/o Scheiner
14488 Via Royale
Delray Beach, FL 33446

25-6-4 ✓
Tina Russak
517 Balmoral Circle
New Windsor, NY 12553

39-3-16 ✓
Candace & Alfred Magliano
29 Valewood Drive
New Windsor, NY 12553

40-1-7 ✓
Michele Starkey
47 Hudson Drive
New Windsor, NY 12553

39-1-17 ✓
Elizabeth Raz
77 Harth Drive
New Windsor, NY 12553

39-3-17 ✓
Filomena & Frank Cantoli
27 Valewood Drive
New Windsor, NY 12553

40-1-8 ✓
Jeffrey Barrett
45 Hudson Drive
New Windsor, NY 12553

39-1-18 ✓
Jennifer Hersh
Christopher O'Connell
79 Harth Drive
New Windsor, NY 12553

39-4-15 ✓
Sarah & Pat DeGiorgio
28 Valewood Drive
New Windsor, NY 12553

40-1-9 ✓
Eletra & Walter Orzechowski
43 Hudson Drive
New Windsor, NY 12553

39-1-20 ✓
Ana & Robert Gotz
83 Harth Drive
New Windsor, NY 12553

39-4-16 ✓
Lucy & Anthony Carcaramo
30 Valewood Drive
New Windsor, NY 12553

40-1-10 ✓
Deanne Illenberger
41 Hudson Drive
New Windsor, NY 12553

39-1-21 ✓
Charles Botsford
85 Harth Drive
New Windsor, NY 12553

39-4-17 ✓
Janet & Richard Rigoli
32 Birchwood Drive
New Windsor, NY 12553

40-1-11 ✓
Susan & Daniel Arnold
39 Hudson Drive
New Windsor, NY 12553

25-4-16 pg 3

40-1-12 ✓
Joan Miller & Michael Carey
37 Hudson Drive
New Windsor, NY 12553

40-1-22 ✓
Sharon & Gus Palentino
47 Birchwood Drive
New Windsor, NY 12553

40-1-13 ✓
Eileen & Patrick McGarvey
35 Hudson Drive
New Windsor, NY 12553

40-1-23 ✓
Kathleen & John McParland
49 Birchwood Drive
New Windsor, NY 12553

40-1-14 ✓
Luanne & Scot Jennex
31 Birchwood Drive
New Windsor, NY 12553

40-2-5 ✓
Penelope & Dennis Franciosi
52 Hudson Drive
New Windsor, NY 12553

40-1-15 ✓
Catherine Rice
33 Birchwood Drive
New Windsor, NY 12553

40-2-6 ✓
Shirley, Gerard & Lisabeth Stelz
50 Hudson Drive
New Windsor, NY 12553

40-1-16 ✓
Joan & Carl Ponesse
35 Birchwood Drive
New Windsor, NY 12553

40-2-7 ✓
Patricia & Anthony D'Angelo
48 Hudson Drive
New Windsor, NY 12553

40-1-17 ✓
Vivian & Nicholas Carfizzi
37 Birchwood Drive
New Windsor, NY 12553

40-1-18 ✓
Josephine Dewingaerde
39 Birchwood Drive
New Windsor, NY 12553

40-1-19 ✓
Jean Shornaker
41 Birchwood Drive
New Windsor, NY 12553

40-1-20 ✓
Melvina Totaan
43 Birchwood Drive
New Windsor, NY 12553

40-1-21 ✓
Kelly & William Thompson
174 Wilbur Boulevard
Poughkeepsie, NY 12603

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

MITCHELL KOLPAN and ANNETTE ISTVAN
f/k/a ANNETTE KOLPAN, as surviving
Joint Tenants with BEN KOLPAN

TO

MITCHELL KOLPAN

SECTION 25 BLOCK 4 LOT 16

RECORD AND RETURN TO:

(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

PETER D. BARLET, ESQ.
14 South Street
Post Office Box 1010
Warwick, New York 10990

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)
<input type="checkbox"/> 2289 CHESTER (TN)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4205 WALDEN (VLG)
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input type="checkbox"/> 4401 OTISVILLE (VLG)
<input type="checkbox"/> 2600 CRAWFORD (TN)	<input checked="" type="checkbox"/> 4600 NEWBURGH (TN)
<input type="checkbox"/> 2800 DEERPARK (TN)	<input type="checkbox"/> 4800 NEW WINDSOR (TN)
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5200 WALLKILL (TN)
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5401 FLORIDA (VLG)
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5405 WARWICK (VLG)
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5600 WAWAYANDA (TN)
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5889 WOODBURY (TN)
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5801 HARRIMAN (VLG)
<input type="checkbox"/> 3801 UNIONVILLE (VLG)	
<input type="checkbox"/> 4089 MONROE (TN)	
<input type="checkbox"/> 4001 MONROE (VLG)	
<input type="checkbox"/> 4003 HARRIMAN (VLG)	
<input type="checkbox"/> 4095 KIRYAS JOEL (VLG)	

CITIES

☐ 0900 MIDDLETOWN
☐ 1100 NEWBURGH
☐ 1300 PORT JERVIS

NO. PAGES 3 CROSS REF ☐
CERT. COPY ☐ AFFT. ☐

PAYMENT TYPE: CHECK ☒
CASH ☐
CHARGE ☐
NO FEE ☐

CONSIDERATION \$ 0
TAX EXEMPT ☐

MORTGAGE AMT \$ ☐
DATE ☐

MORTGAGE TYPE:

☐ (A) COMMERCIAL
☐ (B) 1 OR 2 FAMILY
☐ (C) UNDER \$10,000.
☐ (E) EXEMPT
☐ (F) 3 TO 6 UNITS
☐ (I) NAT.PERSON/CR.UNION
☐ (J) NAT.PER.CR.UN/ OR 2
☐ (K) CONDO

Donna L. Benson

DONNA L. BENSON
Orange County Clerk

9999 HOLD

RECEIVED FROM:

Barlet

LIBER 4871 PG 41

LIBER 4871 PAGE 41
ORANGE COUNTY CLERKS OFFICE 51983 DAB
RECORDED/FILED 09/15/98 01:57:12 PM
FEES 44.00 EDUCATION FUND 5.00
SERIAL NUMBER: 001416
DEED CNTL NO 61655 RE TAX .00

**BARGAIN AND SALE DEED WITH
COVENANTS AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made the 8th day of September Nineteen Hundred and Ninety-Eight
BETWEEN

MITCHELL KOLPAN, and **ANNETTE ISTVAN**, f/k/a **ANNETTE KOLPAN**,
residing at 128 Glendale Drive, New Windsor, New York 12553, as surviving Joint
Tenants with **BEN KOLPAN**, who died a resident of New York County, New
York on September 23, 1993,

Party of the First Part, and

MITCHELL KOLPAN, residing at 128 Glendale Drive, New Windsor, New York
12553,

Party of the Second Part,

WITNESSETH, that the Party of the First Part, in consideration of Ten (\$10.00) Dollars,
lawful money of the United States, and other good and valuable consideration by the Party
of the Second Part, does hereby grant and release unto the Party of the Second Part, the
heirs or successors and assigns of the Party of the Second Part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements
thereon erected, situate, lying and being in the Town of New Windsor, County of Orange,
and State of New York, and being know as Lot #30 as found on a map entitled
"Parklawn," said map filed in the Orange County Clerk's Office as Filed Map No. 2996,
bounded and described as follows:

BEGINNING at a point on the easterly side of Parklawn Drive, also known as Glendale
Drive, said point marking the northerly division line of the herein described parcel and the
southerly line of Lot 29;

RUNNING THENCE along the same South 50 degrees 05 minutes 04 seconds East 100.00 feet to a point marking the easterly division line of the herein described parcel and the westerly line of Willow Acres, Section "G";

RUNNING THENCE southerly along the same South 39 degrees 54 minutes 56 seconds West 121.18 feet to a point on the northerly side of the aforementioned Parklawn Drive;

RUNNING THENCE along the northerly and easterly line of said Parklawn Drive North 50 degrees 05 minutes 04 seconds West 39.99 feet;

THENCE on a curve to the right with a radius of 60.00 feet and an arc length of 94.25 feet and North 39 degrees 54 minutes 56 seconds East 61.07 feet to the point and place of **BEGINNING**.

BEING and intended to be the same parcel conveyed in a Deed from Ben Kolpan and Pauline Kolpan, to Mitchell Kolpan and Annette Kolpan, and as Joint Tenants with Ben Kolpan, dated June 22, 1992, and recorded in the Orange County Clerk's Office on July 15, 1992 in Liber 3632 of Deeds at page 245, and said Ben Kolpan having heretofore died a resident of New York County, New York, on September 23, 1992.

ALSO BEING KNOWN AS premises on the tax map of the Town of New Windsor, County of Orange, State of New York, as Section 25, Block 4, Lot 16.

TOGETHER with the right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



MITCHELL KOLPAN

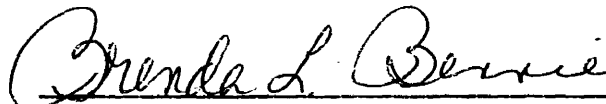


ANNETTE ISTVAN, formerly known

LIBER 4871PG 43

STATE OF NEW YORK)
)
COUNTY OF ORANGE) SS:

On the 8 ^{September} day of ~~August~~, 1998, before me personally came MITCHELL KOLPAN, to me known, and known to me to be the individual described in and who executed the foregoing BARGAIN and SALE DEED with COVENANTS AGAINST GRANTORS ACTS, and duly acknowledged to me that he executed the same.



Notary Public

BRENDA L. BENNIE
#01BE5075436
Notary Public, State of New York
Qualified in Orange County
My Commission Expires 03/31/99

STATE OF NEW YORK)
)
COUNTY OF ORANGE) SS:

On the 8th ^{September} day of ~~August~~, 1998, before me personally came ANNETTE ISTVAN, formerly known as ANNETTE KOLPAN, to me known, and known to me to be the individual described in and who executed the foregoing BARGAIN and SALE DEED, with COVENANTS AGAINST GRANTORS ACTS, and duly acknowledged to me that she executed the same.



Chantelle A. McLain

Notary Public

CHANTELLE A. McLAIN
Notary Public, State of New York
Qualified in Dutchess County
Reg. No. 01MC5082121
Commission Expires June 24, 2000

LIBER 4871 PG 44

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

cc: Mikh

01-35

Date: 8/13/01.

I. ✓ Applicant Information:

- (a) Mitchell Kolpan 128 Glendale Dr 5698140
(Name, address and phone of Applicant) (Owner)
(b) _____
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- () Use Variance () Sign Variance
(X) Area Variance () Interpretation

III. ✓ Property Information:

- (a) R4 128 Glendale Dr 25-4-16 121,2 X 100.
(Zone) (Address) (S B L) (Lot size) + or -
(b) What other zones lie within 500 ft.? N/A
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 1987
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? NO
If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law,
Section _____, Table of _____ Regs., Col. _____,
to allow:
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No ___.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E, F & G.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
16" Fence: Req'd. Front Yd. <u>35 ft.</u>	<u>21 ft.</u>	<u>14 ft.</u>
Pool Deck: Req'd. Side Yd. <u>15 ft.</u>	<u>1 ft. 4 in.</u>	<u>13 ft. 8 in.</u>
Pool Deck: Req'd. Rear Yd. <u>40 ft.</u>	<u>2 ft. 3 in.</u>	<u>12 ft. 9 in.</u>
Pool Deck: Req'd. Rear Yd. <u>10 ft.</u>	<u>6 ft. 2 in.</u>	<u>33 ft. 10 in.</u>
Req'd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The structures will NOT be detrimental to
the health, safety, AND welfare to the
Neighborhood

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1			
Sign 2			
Sign 3			
Sign			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See Question 3 Page 2

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 8/13/01

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Mettee Kapi
(Applicant)

Sworn to before me this

13 day of AUGUST ~~1991~~ 2001
Patricia A. Corsetti

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. CORSETTI
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 2001.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 35

Request of Mitchell Kolfan

for a VARIANCE of the Zoning Local Law to Permit:

existing above-ground pool w/ less than the allowable side & rear yards;
existing 6'6" stockade fence w/ insufficient front yard & proposed pool
deck w/ insufficient side & rear yard;
being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Cols. E, F & G

for property situated as follows:

128 Glendale Drive, New Windsor, N.Y.

known and designated as tax map Section 25, Blk. 4 Lot 16.

PUBLIC HEARING will take place on the 10th day of Sept., 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

Date 8/7/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
7/23/01	Zoning Board Mtg		75.00	
	Misc. - 2			
	Singh/Preet Deli - 4			
	20 th Century Towing - 6			
	Holpan - 6 \$27.00			
	Lucas - 4			
	TN16/First Columbia - 3			
	USH Realty/Quasar - 3			
	Bibles - 3			
	Picerno - 2			
	Biler - Tutor Time - 3			
	36		162.00	
			237.00	

KOLPAN, MITCHELL

Mr. Mitchell Kolpan appeared before the board for this proposal.

MR. TORLEY: Request for 14 ft. front yard variance for 6 ft. 6 in. stockade fence in front yard, 12 ft. 9 in. side yard and 3 ft. 10 in. rear yard variances for existing above-ground pool at 128 Glendale Drive in an R-4 zone.

MR. KOLPAN: Also, Pat, did you remember I came to your office the other day, you're missing the deck I want to put up.

MS. CORSETTI: I have it right here, this is in addition to what he's asking for.

MR. TORLEY: There's an additional variance request for a deck attached to house, deck that will require a 13 foot 8 inch side yard and 33 foot 10 inch rear yard.

MR. BABCOCK: Mr. Chairman, I think on the agenda, it's a typo, says 3 foot 10, I think it should say 33 foot 10.

MR. KANE: Three foot.

MS. CORSETTI: That was an addition that's on the agenda.

MR. BABCOCK: Both of them are on there.

MR. TORLEY: Because of the deck and the pool will make the pool require the variance.

MR. BABCOCK: We, yeah, they both, even if you look at one or the other, they both need 33 foot 10 inch variance.

MR. KANE: So that will cover both?

MR. BABCOCK: That's correct.

MS. CORSETTI: Do you want to change these?

MR. BABCOCK: Mine don't need to be changed.

MS. CORSETTI: This is the one I got amended after i did the agenda so it didn't really include this one on but these two are on, that's the one that says three foot ten inches that has to be changed to 33.

MR. BABCOCK: Yes.

MR. TORLEY: Now--

MR. KANE: Are we looking Michael at two side yard variances, one on each side because we're looking at 12'9" side yard and then you're looking at 13'8" side yard, is that all the one side where the deck's going to go and that becomes inclusive?

MR. BABCOCK: Well, there are two different structures, we wrote one structure up and then we added the deck to it so once we wrote the pool, the pool was going to stand on its own. Now if any variances go along with it for the deck, that's fine too.

MR. TORLEY: But Mike's question was, Mr. Kane's question was is this 12 foot 9 inch on the left side of the property and the 13 foot eight inches on the right side of the property or both referring to the same side?

MR. KANE: If he got the 13'8" that will cover the 12'9" he doesn't need both numbers.

MR. TORLEY: Unless they're opposite sides of the yard.

MR. KOLPAN: I have some pictures.

MR. TORLEY: So yours is the corner lot?

MR. KOLPAN: Yes, I'm the corner.

MR. TORLEY: Where is it you want to put the pool?

MR. KOLPAN: I'll explain to you, the pool's already there, all right, here's the pool here now and the

fence is already up, the pool and fence have been there for over ten years. Of course, I wanted to get in on the game plan, refinance my house and needless to say, I'm still not with the plan, but hopefully, I'll get there soon. Here's the deck on the back of my house, every house in the neighborhood has a regular deck. I want to, the pool's right back here, all right, and it's been there, the fence is here and that's also been there, but this is technically I guess my side piece of property.

MR. TORLEY: Front yard because of the corner lot.

MR. KOLPAN: So, anyway, I put the fence up there when I bought the house for privacy and so my kids can't get out and, you know.

MR. TORLEY: Well, here's our question, the side yard variance you're requesting is for the--

MR. KANE: Originally for the pool, where is the deck going to go, around the pool?

MR. KOLPAN: See this deck right here that's exactly how it's going to be, that deck is no longer there, I took that deck down cause I thought I was moving so I had to take the deck down so I took it down.

MS. CORSETTI: For the record, what side of the house?

MR. KOLPAN: Right here.

MS. CORSETTI: That's not going to tell Fran anything.

MR. KOLPAN: If you're facing the home, it would be on the left side, not the side by the street.

MR. TORLEY: And you're on a corner lot now so the side yard variances are all with respect to that one corner of the house?

MR. BABCOCK: That's correct.

MR. KANE: So he needs it just on the pool or he needs 13'8" and we can get rid of the 12'9" number.

MR. BABCOCK: That's correct.

MR. KANE: That's what I was asking.

MR. TORLEY: Now, there's a couple things we're going to have to ask you, you're asking for substantial variances but the code requires 15 foot side yard.

MR. KOLPAN: I'm right on the neighbor's, absolutely.

MR. TORLEY: And the other one is the rear yard requirement is 40 feet and you're proposing 6 feet, again two very substantial variances. So you have to be repaired to talk about why you need, why the pool has to be where it is, can't be anyplace else and why and your neighbor's input is going to be very important.

MR. KOLPAN: I have no problem with any of my neighbors.

MR. TORLEY: That's for the public hearing.

MR. KANE: Just for the public, make sure by that time, make sure you'll have the plans for the deck so you can show us what it's going to look like.

MR. KOLPAN: Yeah, I believe that I had a gentleman come out to my home.

MR. REIS: Present that with the whole thing.

MR. KANE: Just so we have it.

MR. TORLEY: Make sure he's measuring it right because if you're asking for a 13 foot variance and turns out you need 13 foot six inch variance, you start over from scratch.

MR. KOLPAN: Yeah, and now if I wasn't to build a deck and I just needed a variance for the pool and the fence I mean would that be--

MR. TORLEY: If it's not an attached pool, he still has

to be ten feet off the property line, right?

MR. KOLPAN: No deck just the pool that's been there and the fence that's also been there.

MR. TORLEY: Just a freestanding above-ground pool is ten feet?

MR. BABCOCK: Yes.

MR. TORLEY: He still needs a variance for that because the pool is closer than ten feet to the line but instead of asking for a variance from 30 feet, you're asking for a variance from ten feet so it's a much smaller requested variance.

MR. KOLPAN: Can I ask a question? What would the problem be like if the deck goes to the pool and if the neighbors didn't object, how do we, what do they get, letters in the mail?

MR. TORLEY: You'll be sending out notices for the hearing, talk to your neighbors, speak to them, have them send letters if they didn't want to come saying they either do or don't have any objections. Let them know what's going on because when you're asking for such a large variance, the impact on the neighborhood can be substantial, you want to make sure the neighbors are aware of what you're doing.

MR. KOLPAN: So when you say neighbors, that would be--

MR. TORLEY: Everybody within 500 feet of your property.

MR. BABCOCK: Did you address the fence?

MR. TORLEY: That's going to be part of it because it's a two front yard.

MR. BABCOCK: That's correct.

MR. TORLEY: But to my mind that's also security for the pool, so I have less problems with that.

MR. KOLPAN: I was speaking to Lou, the building inspector that works with Mike, and he said no, it doesn't, I guess, I don't know, it doesn't interfere with the traffic on the road because the fence is up and it's 6 feet high.

MR. TORLEY: You're not allowed to have a fence more than four feet high in the front yard you, because of the way the road lies have two front yards. Now a 6 foot fence is also providing security for the pool, a 4 foot fence would not, so that's the kind of thing you can talk about in the public hiring.

MR. REIS: Make a motion we set up Kolpan for his requested variances.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 6/22/01

APPLICANT: Mitchell Kolpan
128 Glendale Drive
New Windsor, NY 12553

COPY
(2)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Existing 4ft above ground pool

LOCATED AT: 128 Glendale Drive

ZONE: R-4 Sec/ Blk/ Lot: 25-4-16

DESCRIPTION OF EXISTING SITE: Existing one family dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing 4ft above ground pool exceeds minimum rear & side yard set-backs.

Thomas J. Kuphan
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-21-G-1

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD: 15

2ft3in

12ft9in

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 10

6ft2in

~~3ft10in~~

REQ'D FRONTAGE:

33ft. 10"

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE. W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JUN 14 2001

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2001-587

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Mitchell Kocan

Address 128 61-nd Ave DR Phone # 5698140

Mailing Address 11 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the E side of Glenoak Dr
and 60 (N, S, E or W) feet from the intersection of Birchwood

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 25 Block 4 Lot 16

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other

6. Is this a corner lot? Yes

EXISTING 4 FT POOL

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

PAID

50.00
Cash